



SHARP

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OPPOSING AN INSIDER THREAT, FOSTERING TRUST, & BEING ACCOUNTABLE

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CHIEF OF STAFF OF THE ARMY'S **5 IMPERATIVES**

- 1** Prevent offenders from committing crimes, provide compassionate care for victims, and protect the rights and privacy of survivors.
- 2** Report every allegation and ensure it is thoroughly and professionally investigated; take appropriate action based on the investigation.
- 3** Create a positive climate and an environment of trust and respect in which every person can thrive and achieve their full potential.
- 4** Hold every individual, every unit and organization, and every Commander appropriately accountable for their behavior, actions and inactions.
- 5** The chain of command must remain fully engaged—they are centrally responsible and accountable for solving the problems of sexual assault and harassment within our ranks and for restoring the trust of our Soldiers, Civilians, and Families.

***There are no bystanders in this effort. Our Soldiers, their Families, and the American people are counting on us to lead the way in solving this problem within our ranks.



Definition of Sexual Harassment

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What is Sexual Harassment?

- Sexual harassment is a form of gender discrimination
- Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - Submission to or rejection of is made a term or condition of a person's job, pay, career;
 - Submission to or rejection of is used as a basis for career or employment decisions;
 - Conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment

Army Regulation 600-20

Personnel-General

Army Command Policy

Headquarters
Department of the Army
Washington, DC
8 November 2014

UNCLASSIFIED



Army Policy on Sexual Harassment

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- Unacceptable and will not be tolerated
- Destroys teamwork and negatively affects combat readiness
- Army leadership:
 - Must create an environment conducive for productivity and respect
 - Set the standard to Soldiers and DA Civilians to follow
- A successful mission is achieved in an environment free of sexual harassment
- Prevention is the responsibility of every Soldier, DA Civilian and Family member



Sexual Harassment Policy Distinctions

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Military

- Policy applies on/off the installation - 24/7
- Military Complainants do not have the right to sue the offender
- Complainants are encourage to confront subject/offenders
- Army policy does not require complainants of sexual harassment to confront the subject/offender
- Formal complaints:
 - o File with the brigade level SARC or higher
 - o Soldiers have 60 calendar days to file a complaint
 - o Family members are eligible to file complaints



Harassment based on sexual orientation is an EO issue, but sexual harassment is a SHARP issue regardless of orientation.



Categories of Sexual Harassment (1 of 2)

Verbal

- Telling sexual jokes
- Using sexually explicit profanity or threats, sexually oriented cadences, or sexual comments
- Whistling in a sexually suggestive manner
- Describing certain attributes of one's physical appearance in a sexual manner
- Using terms of endearment such as "honey," "sweetheart," "stud," or "hunk"

Nonverbal

- Staring at someone, "undressing someone with one's eyes," blowing kisses, winking, or licking one's lips in a suggestive manner
- Displaying inappropriate printed material (e.g., sexually oriented pictures or cartoons)
- Using sexually oriented screen savers on one's computer
- Sending sexually oriented notes, letters, faxes, or e-mail



Categories of Sexual Harassment (2 of 2)

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Physical Contact

- Touching, patting, pinching, bumping, or grabbing
- Cornering or blocking a passageway
- Providing unsolicited back or neck rubs
- Kissing



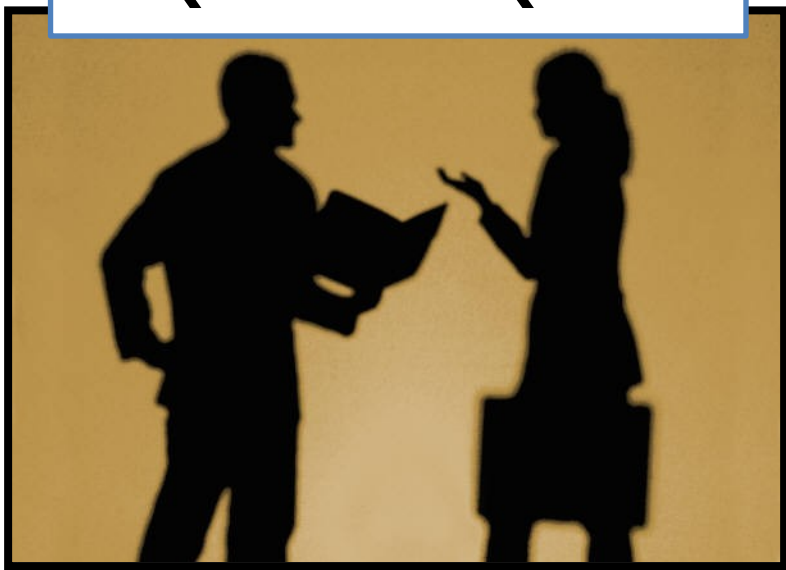


Types of Sexual Harassment

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AR 600-20 outlines two types of sexual harassment:

Quid Pro Quo



Hostile Environment



Remember, a third party – not just the object of the attention can also view behaviors as sexually harassing!



Quid Pro Quo

- Demanding sexual favors in exchange for a promotion, award, or favorable assignment
- Disciplining or relieving a subordinate who refuses sexual advances
- Threatening a poor job evaluation for refusing sexual advances
- Incidents of quid pro quo sexual harassment may also have a harassing effect on third persons.

Hostile Environment

- Using derogatory, gender-biased terms
- Making comments about body parts
- Displaying sexually suggestive pictures
- Telling sexually explicit jokes
- Unwanted touching





Responses to Sexual Harassment

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- Direct approach
 - Confront the harasser and inform the person that the behavior is not appreciated or welcomed and that it must stop
 - Focus on behavior and its impact—offer behavior-centered feedback
- Indirect approach
 - Address the harasser without a face-to-face conversation (e.g., send a letter)
- Third-party
 - Ask someone else to talk to the harasser, to accompany the complainant, or to intervene on behalf of the complainant to resolve the conflict
- Chain of command
 - Report the behavior to your immediate supervisor or others in the chain of command and ask for assistance in resolving the situation
- File a formal complaint
 - Immediately contact the SARC / VA



Admin & UCMJ Sexual Harassment Penalties

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Admin Penalties
Mandatory counseling
Discharge from service
Bar to re-enlistment
Adverse performance evaluations
Relief for cause
Administrative reduction
Admonition
Reprimand
Admin withholding of privileges
Rehabilitative transfer to another unit

UCMJ Penalties		
Offense	Article	Maximum Penalties
Violation of a General Regulation	92	Dishonorable Discharge (DD), 2 years confinement, and forfeiture of all pay and allowances
Cruelty and Maltreatment of Subordinate	93	Dishonorable Discharge, 1 yr confinement, and forfeiture of all pay and allowances
Provoking Speeches or Gestures	117	6 months confinement and forfeiture of 2/3 of pay and for 6 months
Indecent Language	134	BCD, 6 months confinement, and forfeiture of all pay and allowances



WHAT IS SEXUAL ASSAULT?

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- **Sexual assault is a crime.**
- It is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent.
- Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts.
- Sexual Assault can occur without regard to gender or spousal relationship or age of victim.



Army Policy on Sexual Assault

- Sexual assault is a criminal offense.
- Sexual assault degrades mission readiness.
- Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents.
- Sexual assault is punishable under laws:
 - Soldiers (UCMJ), DA Civilians (Federal/State)
- Those who commit sexual assault offenses will be held appropriately accountable.
- All victims of sexual assault will be treated with dignity, fairness, and respect.
- This policy applies to both on and off post, duty and non-duty hrs.



Restricted vs. Unrestricted Reporting

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Restricted Report

Who can accept a report:

- Sexual Assault Response Coordinator (SARC)
- SAPR Victim Advocate (VA)
- Healthcare Personnel

Limitations

- Chaplains - can not file a report, but remains confidential

Unrestricted Report

Who can accept a report:

- **Commander**
- CID
- JAG
- IG
- SARC
- VA
- Healthcare Personnel

Limitations

- More people will know about the sexual assault
- Investigation may be intrusive and difficult
- **Cannot change to Restricted Report**



Restricted vs. Unrestricted Reporting

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Restricted Report

Benefits

- Access to medical, advocacy, legal, and counseling services
- Receive the Sexual Assault Forensic Examination (SAFE)
- Control the release of personal information
- Can change to Unrestricted Report at any time

Limitations

- The alleged offender will not be held accountable
- Ineligible for expedited transfer or reassignment
- No command support
- Cannot receive a protective order

Unrestricted Report

Benefits

- Access to medical, advocacy, legal, and counseling services
- Receive the SAFE
- Alleged offender *may* be held accountable
- Command support
- Can receive protective order (Military Protective Order [MPO] or Civilian Protective Order [CPO])

Limitations

- More people will know about the sexual assault
- Investigation may be intrusive and difficult
- Cannot change to Restricted Report



UCMJ and Civilian Sex Offense Penalties

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UCMJ Penalties		
Offense	Article	Maximum Penalties
Rape	120	Dishonorable Discharge (mandatory upon conviction), Life without parole forfeiture of all pay and allowances
Sexual Assault	120	Dishonorable Discharge (mandatory upon conviction), forfeiture of all pay and allowances, 30 years confinement
Aggravated Sexual Contact	120	20 years + Dishonorable Discharge and forfeiture of all pay and allowances
Abusive Sexual Contact	120	Forfeiture of all pay and allowances, 7 years + Dishonorable Discharge
Forcible Sodomy	125	Dishonorable Discharge (mandatory upon conviction), forfeiture of all pay and allowances, confinement for life without parole

U.S. Code 18, Chapter 109 (Civilian) Penalties		
Offense	Section	Maximum Penalties
Aggravated Sexual Abuse	18 USC 2241	Life in prison
Sexual Abuse	18 USC 2242	Life in prison
Sexual Abuse of a Minor or Ward	18 USC 2243	15 years in prison
Abusive Sexual Contact	18 USC 2244	2 years to life in prison
Sexual Abuse Resulting in Death	18 USC 2245	Death, life in prison





Bystander Intervention Process

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1. Notice the event along a continuum of behaviors



2. Interpret the event or behavior as a problem



3. Feel responsible for solving the problem



4. Choose how to intervene



5. Build the culture to eliminate the problem



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RETALIATION



RETALIATION

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As per **Army Directive 2014-20** (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense)

No Soldier may retaliate against a victim, an alleged victim or another member of the Armed Forces based on that individual's report of a criminal offense.

Retaliation can take on 3 types of actions.

1. Taking or threatening to take an adverse or **unfavorable personnel action**, or withholding or threatening to withhold a **favorable personnel action**
2. Ostracism
3. Acts of cruelty, Oppression or Maltreatment





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ONLINE MISCONDUCT / SOCIAL MEDIA



Online Misconduct

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ALARACT 122/2015: Professionalization Of Online Conduct:

Online misconduct: The use of electronic communication to inflict harm.

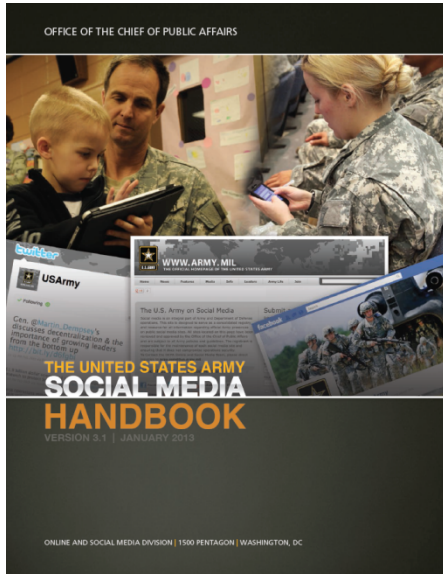
Examples include, but are not limited to: harassment, bullying, hazing, stalking, discrimination, retaliation, or any other types of misconduct that **undermine dignity and respect**.

Soldiers or civilian employees who participate in or condone misconduct, whether offline or online, may be subject to criminal, disciplinary, and/or administrative action.

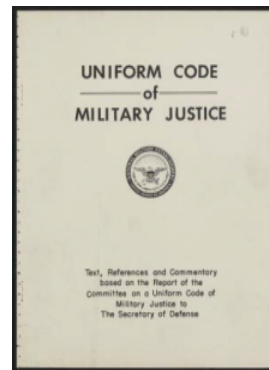
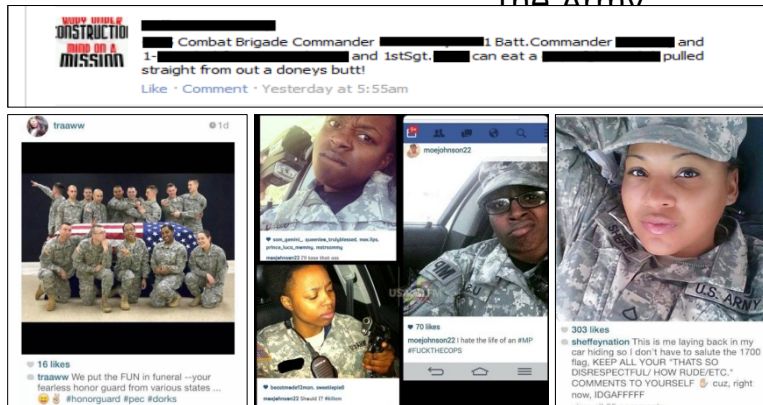
- When using electronic communication devices, members of the Army team should apply "**Think, Type, Post**": #onlineconductttp
 - "**Think**" about the message being communicated and who could potentially view it;
 - "**Type**" a Communication that is consistent with army values; and
 - "**Post**" only those messages that demonstrate dignity and respect for self and others.
- Personnel experiencing or witnessing online misconduct should promptly report matters to the chain of command/supervision.
- Alternative avenues for reporting and information include: Family Support Services, Equal Opportunity, Equal Employment Opportunity, SHARP, The Inspector General, and Army Law Enforcement.

Social Media

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- Soldiers using social media must abide by the Uniform Code of Military Justice (UCMJ) at all times.
- Commenting, posting or linking to material that violates the UCMJ or basic rules of Soldier conduct is prohibited. Social media provides the opportunity for Soldiers to speak freely about their activities and interests. However, Soldiers are subject to UCMJ even when off duty, so talking negatively about supervisors or releasing sensitive information maybe punishable under the UCMJ.
- It is important that all Soldiers know that once they log on to a social media platform, they still represent the Army.



Leadership responsibilities:

- Determining how to punish or reprimand Soldiers for social media misuse is ultimately up to command leadership.
- The UCMJ should be used as a guide in determining the appropriate level of punishment, but it should not be the only document referenced. Every situation is different, so the UCMJ should be one of many resources used when evaluating the how social media misuse should be handled.
- It is also advised that leaders get JAG officers involved early in the disciplinary process to make sure all legal aspects of social media misuse are handled appropriately.

Article 88 - Contempt toward officials

Article 89 - Disrespect toward superior commissioned officer

Article 91 - Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer

Article 133 - Conduct unbecoming an officer and a gentleman

Article 117 - Provoking speech

Article 134 - Communication of a threat and indecent



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NTC & Fort Irwin Advocacy Center
BLDG 180

(between Mary Walker and 5th Street)

24/7 Installation SHARP Hotline

(760) 401-3074

***24/7 Installation Domestic Violence
Hotline***

(760) 267-6792

Inspector General

(760) 380-3038

Facebook: Fort Irwin SHARP



FORT IRWIN & NTC



SEXUAL HARASSMENT ASSAULT RESPONSE AND PREVENTION

DOD 24/7 SAFE HELPLINE: 877-995-5247
NTC 24/7 HOTLINE: 760-401-3074



**MAJ AGPALZA
MICHELLE
FT. IRWIN/NTC
Program Manager**



**SFC KING
JUDITH
OPS GROUP
SARC
Bldg 990**



**SSG CALIWLIW
MICHELLE
916TH SARC
Bldg 823**



**SFC CHAVEZ
RICARDO
11TH ACR SARC
Bldg 184**



**VACANT
GARRISON SARC
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**MR. RAMON
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MEDCOM SARC
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**SFC ROSADO
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**MR. STEVEN
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**MRS. ENAIDA
ANDERSON
11TH ACR
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**MR.
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**SFC BARRAGAN
GABRIELA
MEDCOM
VICTIM
ADVOCATE**



**NOT IN MY SQUAD.
NOT IN OUR ARMY.
WE ARE TRUSTED
PROFESSIONALS.**

